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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GLENN C. GODOY, MARK ANTHONY MUSA,
and AMY J. SNAVELY

Appeal 2007-3627
Application 10/042,403
Technology Center 2100

Decided: April 23, 2008

Before ALLEN R. MACDONALD, ST. JOHN COURTENAY III, and STEPHEN C. SIU, *Administrative Patent Judges*.

MACDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. §§ 6(b) and 134(a) from a final rejection of claims 1-19.

Claim 1 is exemplary:

> 1. A method of updating business control data, comprising the steps of:
>
> developing a model of business rules spanning a plurality of applications and building said rules into a common database;
>
> entering business control data into said common database; and
>
> disseminating to said plurality of applications, respective portions of said business control data according to said business rules.

The Examiner relies upon the following evidence in rejecting the claims on appeal:

Souder	US 5,724,556	Mar. 3, 1998
Iyengar	US 6,018,627	Jan. 25, 2000

Claims 1, 6-10, and 15-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Iyengar.

Claims 2-5 and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iyengar and Souder.

We affirm.

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Iyengar

1. Iyengar discloses transforming a plurality of applications into business models. (Col. 3, ll. 56-63.)

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987).

ANALYSIS

Claims 1 and 19

The Examiner finds that Iyengar anticipates claims 1 and 19. (Ans. 3-4.) Appellants allege that the Examiner erred in finding that Iyengar anticipates claims 1 and 19 by stating that Iyengar fails to disclose

the claimed "developing a model of business rules *spanning* a plurality of applications" of claims 1 and 19. (App. Br. 7[1].)

Appellants do not dispute that Iyengar's business models disclose the claimed "model of business rules." (App. Br. 7-8.) Rather, Appellants argue that the claimed "spanning" should be construed to mean "common between" or "extend across" and argue that Iyengar's business rules are neither common between nor extend across a *plurality* of applications. (App. Br. 7-8.) The Examiner responds by construing "spanning" as "from" and maintains a finding that Iyengar discloses developing business rules from a plurality of applications. (Ans. 6-7.) Thus, the issue is whether Appellants have shown that the Examiner erred in finding that Iyengar's business models span a plurality of applications.

Iyengar discloses transforming a plurality of applications into business models. (FF 1.) We agree with the Examiner (Ans. 6-7) and find that Iyengar's transforming a plurality of applications into business models discloses developing business rules from a *plurality* of applications. Moreover, even using Appellants' construction of "spanning" (App. Br. 7-8), we find that Iyengar discloses that Iyengar's business rules are common between and extend across a plurality of applications. Therefore, we conclude that Appellants have not shown the Examiner erred in finding that Iyengar anticipates claims 1 and 19.

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[1] We refer to the Second Revised Appeal Brief mailed September 26, 2006 as Appeal Brief (App. Br.).

Claim 10

Appellants allege that the Examiner erred in finding that Iyengar anticipates claim 10 by arguing limitations found in claims 1 and 19. (App. Br. 7.) In particular, Appellants present arguments concerning the term "spanning," but such term is *absent* from claim 10. Thus, the arguments concerning the "spanning" limitation do not apply to claim 10 and do not persuade us that the Examiner erred in finding that Iyengar anticipates claim 10. For this reason and the reasons presented with regard to claims 1 and 19, we find that Appellants have not shown the Examiner erred in finding that Iyengar anticipates claim 10.

Other Claims

Claims 6-9 and 15-18 are subject to the same rejection as that applied to claims 1 and 10. For these claims, Appellants rely on arguments made with regard to claims 1 and 10 to allege Examiner error. (App. Br. 8.) For reasons provided with regard to independent claims 1 and 10, we conclude that Appellants have not shown that the Examiner erred in finding claims 6-9 and 15-18 anticipated by Iyengar.

Claims 2-5 and 11-14 are subject to an obviousness rejection based on Iyengar and Souder. However, for these claims, Appellants rely on arguments made with regard to claims 1 and 10 to show Examiner error, even though claims 1 and 10 are subject to an anticipation rejection over Iyengar. (App. Br. 8.)

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Accordingly, Appellants have not persuaded us that the Examiner erred in finding these claims obvious.

Furthermore, for reasons provided with regard to independent claims 1 and 10, we conclude that Appellants have not shown that the Examiner erred in concluding that claims 2-5 and 11-14 are obvious over Iyengar and Souder.

CONCLUSION OF LAW

We conclude that:

(1) Appellants have not shown that the Examiner erred in finding that Claims 1, 6-10, and 15-19 are anticipated under 35 U.S.C. § 102(b) by Iyengar;

(2) Appellants have not shown that the Examiner erred in concluding that Claims 2-5 and 11-14 are unpatentable under 35 U.S.C. § 103(a) over Iyengar and Souder; and

(3) Claims 1-19 are unpatentable.

DECISION

The Examiner's rejections of claims 1-19 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

rwk

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